

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ERICSSON INC., et al.,)	Case No. 6:10-CV-473-LED
)	
Plaintiffs,)	JURY TRIAL DEMANDED
)	
v.)	
)	
D-LINK SYSTEMS, INC., et al.,)	
)	
Defendants.)	
)	
_____)	

**STIPULATION AND JOINT MOTION
TO DISMISS WITH PREJUDICE AND GRANT PARTIAL JUDGMENT**

Plaintiffs Ericsson Inc. and Telefonaktiebolaget LM Ericsson (collectively, “Plaintiffs”) and Defendants Acer, Inc. and Acer America Corporation (collectively, “Acer”), Gateway, Inc. (“Gateway”), Dell Inc. (“Dell”), Toshiba Corporation, Toshiba America Information Systems, Inc., (collectively, “Toshiba”), (collectively, “’352 Defendants”) by and through their counsel of record, hereby stipulate and request that the Court order the following dismissal with prejudice and partial judgment:

1. Plaintiffs’ claims against ’352 Defendants for infringement of U.S. Patent No. 6,173,352 (the ’352 Patent”) are dismissed WITH PREJUDICE.
2. Plaintiffs covenant not to sue the ’352 Defendants, or any of their parents, subsidiaries, divisions, affiliates, distributors, suppliers, partners, customers, end users, or successors, based on any claim that any products that the ’352 Defendants have been manufacturing, using, selling, or offering for sale in the marketplace, on or before the date of this motion, infringe the ’352 patent, whether directly, indirectly, contributorily, or otherwise.

3. The '352 Defendants' counterclaims for a declaratory judgment of non-infringement are dismissed WITH PREJUDICE. The '352 Defendants' counterclaims for declaratory judgment of invalidity are dismissed WITHOUT PREJUDICE.

4. This Stipulation and Joint Motion has no effect on Plaintiffs' and the '352 Defendants' respective claims and counterclaims relating to any other patent-in-suit.

Dated: November 2, 2012

Respectfully submitted,

/s/ Ted Stevenson

Theodore Stevenson III (Texas Bar No. 19196650)

Lead Attorney

Douglas A. Cawley (Texas Bar No. 04035500)

Bradley W. Caldwell (Texas Bar No. 24040630)

Ashley N. Moore (Texas Bar No. 24074748)

Justin Nemunaitis (Texas Bar No. 24065815)

MCKOOL SMITH, P.C.

300 Crescent Court, Suite 1500

Dallas, Texas 75201

Telephone: (214) 978-4000

Telecopier: (214) 978-4044

Email: tstevenson@mckoolsmith.com

Email: dcawley@mckoolsmith.com

Email: bcaldwell@mckoolsmith.com

Email: amoore@mckoolsmith.com

Email: jnemunaitis@mckoolsmith.com

Sam Baxter (Texas Bar No. 01938000)

MCKOOL SMITH, P.C.

104 E. Houston Street, Suite 300

P.O. Box 0

Marshall, Texas 75670

Telephone: (903) 923-9000

Facsimile: (903) 923-9099

Email: sbaxter@mckoolsmith.com

Attorneys For Plaintiffs

ERICSSON INC. and

TELEFONAKTIEBOLAGET LM

ERICSSON

/s/ Christine M. Morgan (with permission)

Scott D. Baker, *Pro Hac Vice* (Cal. SBN 84923)

John P. Bovich, *Pro Hac Vice* (Cal. SBN 150688)

Christine M. Morgan, *Pro Hac Vice* (Cal. SBN 169350)

Adaline J. Hilgard, *Pro Hac Vice* (Cal. SBN 173213)

William R. Overend, *Pro Hac Vice* (Cal. SBN 180209)

Jonah D. Mitchell, *Pro Hac Vice* (Cal. SBN 203511)

REED SMITH LLP

101 Second Street, Suite 1800

San Francisco, CA 941015

Telephone: +1 415 543 8700

Facsimile: +1 415 391 8269

Email: sbaker@reedsmith.com

Email: jbovich@reedsmith.com

Email: ahilgard@reedsmith.com

Email: woverend@reedsmith.com

Email: jmitchell@reedsmith.com

Trey Yarbrough (Bar No. 22133500)

Debby E. Gunter (Bar No. 24012752)

YARBROUGH & WILCOX, PLLC

100 E. Ferguson, Ste. 1015

Tyler, Texas 75702

Telephone: +1 903 595 3111

Facsimile: +1 903 595 0191

Email: trey@yw-lawfirm.com

Email: debby@yw-lawfirm.com

**Counsel for Defendants, D-LINK SYSTEMS, INC.,
NETGEAR, INC., ACER, INC., ACER AMERICA
CORPORATION, and GATEWAY, INC.**

/s/ Dwayne C. Norton (with permission)

Michael J. Newton (Texas Bar No. 24003844)

Jason W. Cook (Texas Bar No. 24028537)

Stacey G. White (Texas Bar No. 24053220)

Dwayne C. Norton (Texas Bar No. 24076139)

Shaun W. Hassett (Texas Bar No. 24074372)

Brady Cox (Texas Bar No. 24074084)

ALSTON & BIRD LLP

2828 North Harwood St, Suite 1800

Dallas, TX 75201

Phone: (214) 922-3400

Fax: (214) 922-3899

Email: mike.newton@alston.com

Email: jason.cook@alston.com
Email: stacey.white@alston.com
Email: dwayne.norton@alston.com
Email: shaun.hassett@alston.com
Email: brady.cox@alston.com

Marsha E. Mullin (California Bar No. 93709)

ALSTON & BIRD LLP

333 South Hope Street, 16th Floor
Los Angeles, CA 90071
Phone: (213) 576-1000
Fax: (213) 576-1100
Email: marsha.mullin@alston.com

Frank G. Smith (Georgia Bar No. 657550)

Kamran Jivani (Georgia Bar No. 510908)

ALSTON & BIRD LLP

1201 West Peachtree Street
Atlanta, GA 30309
Phone: (404) 881-7000
Fax: (404) 881-7777
Email: frank.smith@alston.com
Email: kamran.jivani@alston.com

Deron R. Dacus (Texas Bar No. 00790553)

The Dacus Firm, P.C.

821 ESE Loop 323, Suite 430
Tyler, Texas 75701
Phone: (903) 705-1117
Fax: (903) 581-2543
Email: ddacus@dacusfirm.com

Counsel for DEFENDANT DELL INC.

/s/ John Feldhaus (with permission)

John Feldhaus

Pavan Agarwal

FOLEY & LARDNER LLP

3000 K. Street, NW, Suite 500
Washington, DC 20007
PH: (202) 672-5300
Fax: (202) 672-5399
Email: jfeldhaus@foley.com
Email: pagarwal@foley.com

Guy N. Harrison
Attorney at Law
217 N. Center
Longview, TX 75606
PH: (903) 758-7361
Fax: (903) 753-9557
Email: guy@gnhlaw.com

**Counsel for TOSHIBA CORPORATION AND
TOSHIBA AMERICA INFORMATION SYSTEMS,
INC.**

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECD system per Local Rule CV-5(a)(3) on November 2, 2012.

/s/ Justin Nemunaitis
Justin Nemunaitis

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Plaintiffs and counsel for Defendants have reached agreement on the present motion.

/s/ Justin Nemunaitis
Justin Nemunaitis